



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

SEP 15 2004

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Mr. Edward H. Murphy
Downstream General Manager
American Petroleum Institute
1220 L Street, NW
Washington, DC 20005

Re: Enforcement Discretion for Louisiana, Mississippi and Alabama

Dear Mr. Murphy:

I am writing in response to the request today of several petroleum companies that the United States Environmental Protection Agency (EPA) exercise its enforcement discretion to allow early use of gasoline that does not meet the summertime volatility requirements, in order to address supply shortages of low volatility gasoline that are occurring on the Gulf Coast due to the approach of Hurricane Ivan.

As you know, Clean Air Act section 211(h), 42 U.S.C. § 7545(h), and the regulations promulgated thereunder at 40 C.F.R. Part 80, require use of gasoline meeting volatility standards during the summertime high ozone season fuels control period each year, which ends at midnight on September 15th.

Based upon information EPA has collected on this gasoline supply matter, EPA will exercise enforcement discretion to allow regulated parties to supply gasoline that does not meet the summertime volatility standards in the states of Louisiana, Mississippi and Alabama, to the extent necessary to meet supply needs in these states. To the extent practicable, regulated parties must take all reasonable steps to provide gasoline meeting the volatility standard in these states until midnight on September 15, 2004. This exercise of enforcement discretion is effective immediately and will continue until midnight on September 15, 2004.

If you have questions, please call Mr. George Lawrence, Chief of the Mobile Source Enforcement Branch, at (202) 564-1307.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Skinner".

Thomas V. Skinner
Acting Assistant Administrator